

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

WILLIAM LANIER ELLIS, SR.,)
)
Plaintiff,)
)
v.) **Civil Action No. 3:07-cv-920-MHT-SRW**
)
RUSSELL COUNTY JAIL, et al.,)
)
Defendants.)

ANSWER

COME NOW the Defendants, Tina Riley-Pelfrey, Dr. Spud Warr, Danny Bussey, Officer John Still (incorrectly listed in Plaintiff's Complaint as "Officer Stihl"), and Loetta Holland (Jail Administrator of the Russell County Jail), and respond to the Complaint filed by Plaintiff in the above-styled cause and state as follows:

1. Plaintiff brings his suit under 42 U.S.C. § 1983 and claims that his constitutional rights were violated by Defendants in that the Defendants denied him access to medical treatment.¹
2. Defendants admit that the Plaintiff was incarcerated on or before March 9, 2007, at the Russell County Jail.
3. Defendants deny the remaining allegations and inferences in the Plaintiff's Complaint.

¹ The following statement of the issues and claims made by Plaintiff are based upon Plaintiff's Complaint and Amended Complaints and the undersigned's interpretation of the issues raised. If other issues are presented, Defendants generally deny any such allegations as being untrue and completely without basis in law or fact.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted. Defendants did not deprive Plaintiff of any constitutional right to which he is entitled.
2. Any claims against Defendants in their official capacities are barred by the Eleventh Amendment and because Defendants are not "persons" under 42 U.S.C. § 1983.
3. Defendants are entitled to qualified immunity in their individual capacities.
4. The Plaintiff's claims are barred due to the Plaintiff's failure to exhaust all available state remedies.
5. Defendants reserve the right to add additional defenses upon a complete investigation of Plaintiff's claims, completion of any discovery allowed, and if any further pleading is required or allowed by the Court.

WHEREFORE, PREMISES CONSIDERED, Defendants request this Court to enter judgment in their favor and grant unto them costs and attorney's fees pursuant to law and 42 U.S.C. § 1988.

Respectfully submitted this 4th day of January, 2008.

s/**Scott W. Gosnell**
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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of January, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and certify that I have mailed by United States Mail, postage prepaid, a true and correct copy of such filing to the following non-CM/ECF participant:

William Lanier Ellis, Sr.
c/o Russell County Jail
Post Office Box 640
Phenix City, Alabama 36868

s/Scott W. Gosnell
OF COUNSEL